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“Current Hospital Issues in Medicare Program”

Dear Members of The Committee on Ways and Means,

In June of 2013 my mother, Jean Buckley, was placed under observation during two separate acute care hospital encounters at Barnes-Jewish Hospital in St. Louis, MO. Prior to these experiences, our family had no knowledge of the practice of placing Medicare beneficiaries on observation status, we simply trusted Barnes Hospital and their mission.

My mother is a senior citizen on Medicare, who suffers from debilitating Rheumatoid Arthritis and has a history of contracting stubborn bacterial infections. Many of these infections have been treated at Barnes and are documented in her EMR (dating back to 2009). She is classified as a high risk patient due to the nature of her disease. I have been alongside my mother during her illnesses and know the signs and symptoms well – June of 2013 was no different. During the first hospitalization we were informed of her switch to observation status on the fourth day of her fifth day stay. Up to that point we were talking with the social workers about which SNF to send her to for skilled nursing care and rehab following her UTI that had led to septicemia. Now we were panicking about how to take care of her at home as she would not qualify for a SNF stay due to the change in status. My mother was not well enough or strong enough to go home, yet that is what happened. She was discharged with antibiotics and an order for home care.

Less than 72 hours after being released my mother's condition had gotten so bad we had her taken back to Barnes ER. She had a fever of 104.5 and numerous other symptoms all related to septicemia. She was admitted on Friday for round two of her stay at Barnes – Jewish Hospital. This time our family was better prepared. I found the Medicare Advocacy Group online and was put in touch with Toby Edelman. With her guidance, my family thwarted the hospital administration's attempt to put my mother under observation after 5 days in acute care. Social workers and their supervisors used all kinds of tactics in an attempt to have my mother sign discharge papers – cajoling, frequent visits, even threats. We never left my mother alone during administration hours and refused to leave the hospital – it was a vigil. She was still in fragile health. The stress that the administration staff was putting my mother through certainly did not help the situation or my mother's health. I remember one particular social worker yelling at my mother, "You will not get access to your Medicare Part A and you will not go to a skilled nursing facility for care!" I kicked her out of the room after that! Thank goodness for the seasoned and compassionate medical team attending to my mother, especially her attending physician and second shift nurse; they were completely supportive. The entire time I kept in mind Toby Edelman's words, "Nothing should interfere with delivery of healthcare to the Medicare Beneficiary". Our family stayed on course and on the seventh day a social worker informed us my mother had been switched to inpatient status. A few days later she was discharged to a SNF where she stayed for over a 5 weeks of medical care and rehab following septicemia.

Had we not been there to protect and advocate for my mother I don't know how she would have survived. I am very thankful to The Medicare Advocacy Group and the wonderful medical team during her second encounter at Barnes. Please tell me how a sick senior citizen in the hospital would be able to navigate the crazy system that Barnes-Jewish Hospital puts its patients through. And where in all of this mess is their mission statement as an organization – "To take exceptional care of all people". We will never bring her or any family member there again for medical care.

I urge you to examine the way observation status is being over used and against its intended purpose by hospitals across the country. Medicare Beneficiaries are suffering as hospitals dodge accountability in relation to readmission rates and their financial reimbursements. Please limit the use of observation status to a more defined meaning and have hospitals follow better guidelines. Our Medicare Beneficiaries have earned the right to healthcare and they deserve access to it.

Respectfully,

Karen L. Buckley